IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

OP.No. 8478 of 2001(H)

PETITIONER:

U.PREMAKUMARAN,
S/O. LATE C. MADHAVAN NAIR,
U.D CLERK, OFFICE OF THE ASST. EDUCATIONAL OFFICER,
KUZHALMANNAM P.O., PALAKKAD DIST.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:
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1. **THE DIRECTOR OF PUBLIC INSTRUCTION,**
   THIRUVANANTHAPURAM.

2. **THE DEPUTY DIRECTOR OF EDUCATION,**
   CIVIL LINES, PALAKKAD.

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 13642/2001 IN OP NO. 8478/2001 H.

DISMISSED

02/07/2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 24/10/96 BY THE R2 OFFICE.

EXT.P2. COPY OF THE SHOW CAUSE NOTICE TO THE PETITIONER DT. 7/2/97.

EXT.P3. COPY OF THE EXPLANATION BY THE PETITIONER TO P2 SHOW CAUSE NOTICE.

EXT.P4. COPY OF THE ORDER DT. 8/7/97 BY THE R2 OFFICE.

EXT.P5. COPY OF THE REVIEW PETITION BY THE PETITIONER.

EXT.P6. COPY OF THE ORDER DT. 4/12/00 BY THE GOVT.

True copy

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Thottathil B. Radhakrishnan, J.

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O.P.No.8478 of 2001

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Dated this the 2nd day of July, 2007.

JUDGMENT

None appears for the petitioner. The challenge is against Exts.P4 and P6 terminating the services of the petitioner on account of long absence.

2. I have perused the records.

3. As is apparent from the impugned orders, the petitioner absented from duty with effect from 10-8-1996 without submitting any leave application. He was directed to rejoin duty as per letter dated 23-9-1996 and to furnish explanation for his unauthorized absence. He acknowledged that notice. But he did not rejoin or furnish explanation. Charges were framed against the petitioner and communicated to him by registered post. He did not respond to that. Finding that there was no response to the memo of charges, he was called upon to show cause against termination of service. He then replied stating that he had applied

for leave without allowance for nine months. A copy of the leave application was also handed over to the officials, who heard the petitioner before Ext.P4 order was passed. The explanation offered was not held to be satisfactory and the certificate of posting was not found to be genuine. Accordingly he was terminated from service. That order was confirmed by the Deputy Director, who confined the punishment to be withholding of one increment with cumulative effect. The Director of Public Instructions rejected his appeal against that order. The DPI also rejected a further review petition. The Government, by the impugned Ext.P6, has confirmed that view.

I find no procedural irregularity, impropriety or illegality in the disciplinary proceedings. Nor can it be said that the punishment imposed is grossly disproportionate to the alleged and proved charges. Writ petition fails. It is accordingly dismissed.

Thottathil B.Radhakrishnan,
sl. **Judge.**

Thottathil B. Radhakrishnan, J.

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O.P.No.8478 of 2001
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JUDGMENT

Dated:2-7-2007